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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,097	01/18/2002	Jeffrey Owen Allender	RCA 89383	3467

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Joseph S Tripoli
Thomson Multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08543-5312

EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,097

Applicant(s)

ALLENDER ET AL.

Examiner

Jean W. Désir

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002, Pre-Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 9 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-8, 10-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by 61099467 Patent Abstracts of Japan w/trans. of appl., IDS provided by the Applicants, denoted by JP'467 in the rejection.

Claim 1:

The JP'467 reference discloses:

"A video display apparatus (see the Figure accompanied the ABSTRACT) operable at a plurality scanning frequencies and including scanning beam velocity modulation", comprising:

"a controllable scanning velocity modulation signal amplifier for generating an scanning velocity modulation deflection signal responsive to a scanning velocity modulation signal", see the PURPOSE of the ABSTRACT, items 3, 80, 82 of the Figure;

"and means for generating a control signal coupled to said amplifier for open loop control of said scanning velocity modulation deflection signal in

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amplitude responsive to selected ones of said plurality of scanning frequencies", see items 7, 84, 82 of the Figure and also the PURPOSE and CONSTITUTION of the ABSTRACT.

Claim 4:

The JP'467 reference discloses:

"A method for controlling scan velocity modulation in a video display apparatus (see the Figure accompanied the ABSTRACT) operable at a plurality of horizontal scanning frequencies", comprising the steps of :

"generating from a signal coupled for display by said apparatus a scanning velocity modulation signal with a range of amplitudes representative of a horizontal scanning frequency of said signal coupled for display", see items 1,3, 80, 82 of the Figure;

"determining said horizontal scanning frequency of said signal coupled for display", items 7, 84 of the Figure;

"generating a control signal in accordance with said determined scanning frequency to maintain said scanning velocity modulation signal within said range of amplitudes substantially independent of said horizontal scanning frequency of said signal coupled for display", see items 7, 84, 82 of the Figure.

Claim 9:

The JP'467 reference discloses:

"A video display apparatus (see the Figure accompanied the ABSTRACT) with scan velocity modulation and operable at a plurality of scanning frequencies" comprising:

"means for generating a scan velocity modulation signal from a display signal coupled to said apparatus, said scanning velocity modulation signal having an amplitude range", see items 1, 3, 80 of the Figure;

"means for determining said horizontal scanning frequency of said display signal", see item 7 of the Figure;

"means for generating a control signal responsive to said determined horizontal scanning frequency", see items 7, 84 of the Figure; and,

"a differential amplifier responsive to said control signal for selectively controlling said scanning velocity modulation signal to maintain said scan velocity modulation signal within said amplitude range substantially independent of said determined horizontal scanning frequency", see item 82 of the Figure.

Claim Objections

3. Claims 5-8, 10-14 are objected to because of the following:

- a) Claims 5, and 7 are objected to because claim 5 depends from itself.
- b) Claims 6, 8, 10, and 11-13 are objected to because claim 12 depends from itself.
- c) Claim 14 is objected to because claim 14 depends from claim 16 which does not exist.

Appropriate correction is required.

Allowable Subject Matter

4. Claims 2, 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Aug. 4, 04


MICHAEL H. LEE
PRIMARY EXAMINER